

Remarks

Claims 17-28 will be pending in the application and are subject to restriction. On pages 2-3 of the Office Action, the Examiner requires restriction between the following groups:

- Group I, claims 17-28 (in part), drawn to R5= 3-oxo-3,4-dihydro-2H-pyrido[3,2-b][1,4]thiazine derivatives (see Examples 9, 11, 13)
- Group II, claims 17-28 (in part), drawn to R5= 3-oxo-3,4-dihydro-2H-pyrido[3,2-b][1,4]oxazine derivatives (see Example 12)
- Group III, claims 17-28 (in part), drawn to R5= 2,3-dihydro-[1,4]dioxino[2,3-c]pyridine derivatives (see Example 6)
- Group IV, claims 17-28 (in part), drawn to R5 = others

Further, if Group IV is elected, an election of a single species is required.

The Office Action states that the Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because they lack the same or corresponding special technical features under PCT Rule 13.2. More particularly, the Office Action states that the special technical feature of Group I is a pyrido[3,2-b][1,4]thiazine ring; of Group II is a pyrido[3,2-b][1,4]oxazine ring; of Group III is [1,4]dioxino[2,3-c]pyridine and of Group IV is core structures that do not fall in Groups I-III.

Applicants elect Group I for initial examination on the merits. Applicants point out that Examples 2-5, 9, 11 and 13 are within the scope of Group I (furthermore, Examples 1, 8, 10 and 12 are within Group II; Examples 6 and 7 are within Group III).

The undersigned Attorney for Applicants telephoned the Examiner on January 23, 2008 to discuss the restriction requirement, and thank the Examiner for his helpful direction. During the interview the Examiner indicated that the rings (a) and (b) of the elected Group I may be optionally substituted. The Examiner further indicated that Group I restricts the bicyclic group R⁵ to 6 ring atoms in each ring, and the ring heteroatoms to the positions shown in Example 9, 11 and 13.

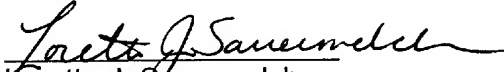
Applicants have amended Claim 1 in accordance with the Examiner's comments during the interview. Claims 23-25 are also amended consistent with the

Serial No.: 10/518,655
Group Art Unit: 1624

election and amendment to claim 1. Support for this amendment can be found in the claims as originally filed, and throughout the specification (see, for example, page 8, lines 13-18; page 9, line 24; page 10, lines 29 and 36; and examples 2-5, 9, 11 and 13). No new matter is being added.

Applicants reserve the right to pursue the non-elected and/or canceled subject matter in a divisional application.

Respectfully submitted,


Loretta J. Sauermelch
Attorney for Applicants
Registration No. 37,347

GLAXOSMITHKLINE
Corporate Intellectual Property – UW2220
P.O. Box 1539
King of Prussia, PA 19406-0939
Tel: 610 270 6854
Fax: 610 270 5090
n:\Loretta\Applications\P3's\P33071P\restrict 1-17-08